

**In Court of Additional Chief Judicial Magistrate,
Bongaon, North 24 Parganas**

Present:- Md. Tarik Ferdaus,
Additional Chief Judicial Magistrate,
Bongaon, North 24 Parganas

G.R. case no. 429 of 2025 CIS No.2693 of 2025

CNR no. WBNP 0700 7437 2025

(J.O. Code - WB01259)

In the matter of

State

Prosecution

V/S

1. Indrajit Biswas

....Accused person

(Gopalnagar PS case No.64/25 dated 03.02.2025 under Sections 85 of BNS)

Date of Delivery of Judgment: 31st Day of March, 2026

JUDGMENT

Case of the prosecution as under :

It is the case of the prosecution that the informant got married with accused Indrajit Biswas as per Hindu Rites and Customs and after marriage she went to her matrimonial home and began her conjugal life. It is the further case of the prosecution that since after marriage she was subjected to physical and mental cruelty by accused person under the influence of alcohol. On 02.02.2025 accused assaulted the informant and her son physically and so, she lodged the present case.

Thereafter, the informant lodged complaint at Gopalnagar PS case No.64/25 dated 03.02.2025 under Sections 85 of BNS and I.O. of this case began investigation of this case.

Subsequently, after conducting investigation of the matter, examining the witnesses I.O. filed **charge sheet being No.119/2025 dated 06.03.2025** under section 85 **of BNS**. Subsequent to that on 07.01.2026 after considering the material available on record the contents of charge have been read over and explained to the accused person to which he abjured the alleged guilt and claimed to be tried and accordingly, charge under section 85 **of BNS** has been framed.

Evidence adduced

The prosecution has adduced only one witness in this case. The witness namely, Shila Biswas Sarkar has have been examined as P.W.- 1 . No other witness has been examined by the prosecution on their behalf.

Subsequently after completion of the prosecution evidence, as per mandate of law the accused person was examined under section 313 by putting the incriminating materials before him which transpired during trial. During the examinations under Section 313 of the Code of criminal Procedure, the accused person claimed to be not guilty.

Point for determination

Whether the prosecution has proved beyond reasonable doubts that the accused person has committed the offence under section **85 of BNS** ?

Decision with reason

In this case the informant has been examined as P.W.1 and she in her examination in chief stated that out of misunderstanding she lodged the case. She has also stated that she has no allegation or claim against the accused person. At present she is staying with her husband at her matrimonial home.

In her cross-examination she stated that she would not have any objection if the accused person being acquitted from this case and also she is deposing out of her free will.

On consideration all the evidences of record I do not find any incriminating materials against accused person and in such situation the Court is left with no option but to acquit the accused person from this case.

In view of the aforesaid findings, this Court of the view that the prosecution has failed to prove the guilt of the accused person beyond reasonable doubt and as such the accused person is liable to be acquitted from this case.

Hence, it is,

ORDERED

that the accused person namely, **Indrajit Biswas** is adjudicated as 'not-guilty' and he is acquitted under section 248(1) of the Code of criminal procedure, 1973 from the charge under section 85 of BNS.

The surety is/are also discharged.

Seized articles, if any which is not claimed by the parties, shall be destroyed after the expiration of the prescribe period of limitation for filing appeal.

Note in the concerned register and upload the same in the CIS.

D & C by me,

(Md. Tarik Ferdaus)
ACJM, Bongaon,
North 24 Parganas

(Md. Tarik Ferdaus)
ACJM, Bongaon,
North 24 Parganas

Gr 524/2024

31.03.2026

Today is fixed for examination of U/s 313 Cr.P.C , argument and judgment.

Accused person is examined U/s 313 Cr.P.C in full and discharge and he had declined to adduce evidence on his behalf, in first half.

Later in second half.

Heard argument in full.

The judgement is ready .

Judgment is passed in the open court.

Copy of judgment is duly signed and sealed is kept with record.

Hence, it is,

ORDERED

that the accused person namely, **Indrajit Biswas is** adjudicated as 'not-guilty' and he is acquitted under section 248(1) of the Code of criminal procedure,1973 from the charge under section 85 of BNS.

The surety is/are also discharged. Seized articles, if any which is not claimed by the parties, shall be destroyed after the expiration of the prescribe period of limitation for filing appeal.

Note in the concerned register and upload the same in the CIS.

D/C

A.C.J.M.

A.C.J.M. Bongaon,

North 24 Parganas